

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Vincent L. Barr,)	C/A NO. 2:06-2284-CMC-RSC
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
John Battiste; Major Joseph Shaw,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint. Plaintiff is a pretrial detainee currently housed in the Williamsburg County Detention Center. Plaintiff complains of certain conditions of his confinement and certain alleged acts by Defendant Shaw.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Robert S. Carr for pre-trial proceedings and a Report and Recommendation. On August 24, 2006, the Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without issuance and service of process as to Defendant Shaw. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed objections on August 30, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's complaint is hereby dismissed as to Defendant Shaw.

This matter is recommitted to the Magistrate Judge for further proceedings, including consideration of the motion which accompanied Plaintiff's objections filed August 30, 2006.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 8, 2006

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